

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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DA 00-1093

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COMMON CARRIER BUREAU ASKS PARTIES TO REFRESH RECORD AND SEEKS ADDITIONAL COMMENT ON PROPOSAL TO REQUIRE RESELLERS TO OBTAIN CARRIER IDENTIFICATION CODES

PLEADING CYCLE ESTABLISHED

CC Docket No. 94-129

Release Date: May 17, 2000

Comment Date: June 6, 2000

Reply Comment Date: June 13, 2000

In a *Further Notice* in this proceeding released on December 23, 1998,¹ the Commission sought comment on three proposals to address “soft slamming” and carrier identification problems arising from the shared use of carrier identification codes (CICs)² by facilities-based carriers and switchless resellers of their services.³ The first proposal—requiring resellers to obtain their own CICs—garnered both strong support and opposition among commenters. Supporters view it as a cost-effective and administratively simple solution to the problems identified by the Commission, whereas opponents raise a number of concerns regarding its potential impact on carriers. In order to focus the record, in this Public Notice we invite interested parties to refresh the record and to submit additional comments on a number of specific issues regarding the proposal that resellers obtain their own CICs.

First, we seek comment on what it would cost resellers to purchase translations access alone, as

¹ *Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers*, CC Docket No. 94-129, Second Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 1508, 1593-1601 (1998) (*Further Notice*).

² CICs are four-digit numerical codes used by local exchange carriers (LECs) to route traffic to interexchange carriers and to identify them for billing purposes. CICs are assigned by the North American Numbering Plan Administrator (NANPA) on a nationwide basis. See *Further Notice*, 14 FCC Rcd at 1595-96.

³ A soft slam is the unauthorized change of a subscriber from its authorized carrier to a new carrier that uses the same CIC. Because the change is not executed by the LEC, which continues to use the same CIC to route the subscriber’s calls, a soft slam bypasses the preferred carrier freeze protection consumers may request from LECs. Carrier misidentification occurs because LECs also identify carriers by their CICs for billing purposes. A LEC’s call record therefore is likely to reflect the carrier whose CIC is used, even if the actual service provider is a switchless reseller of that carrier. As a result, the name of the underlying carrier may appear on the subscriber’s bill in lieu of, or in addition to, the reseller with whom the subscriber has a direct relationship. This makes it difficult for consumers to determine whether they have been slammed and to identify the responsible carrier.

distinguished from Feature Group D access,⁴ and on whether the Commission should require that this functionality be offered separately. We encourage commenters to provide specific estimates of costs on both a per-LATA and a nationwide basis.

Second, we request information on whether there are functionally-equivalent services that, in conjunction with elimination of the current NANPA requirement that carriers must purchase Feature Group D access to obtain a CIC, would make it possible for switchless resellers to use CICs without also purchasing translations access directly. If so, can and should the Commission require the purchase of such services by underlying carriers? To what extent are underlying carriers and resellers already taking advantage of any such services, and how are the costs allocated between them? What are the potential drawbacks of such an approach?

Third, we request additional comment on the network, operations support systems, and/or other modifications that underlying carriers and LECs would have to make to accommodate the use of switchless reseller CICs, the likely costs of any such modifications, and the time required to carry them out. We seek comment on whether the Commission should require any such modifications if it adopts the proposed CIC requirement, or whether market incentives are sufficient to encourage carriers to make them of their own accord. Again, we encourage commenters to submit empirical data with their comments, and to provide specific estimates of costs on both a per-LATA and a nationwide basis.

Fourth, we seek additional comment on whether the proposed CIC requirement would be affordable for switchless resellers. We seek comment on whether there are specific measures that would mitigate the financial burden of the proposed CIC requirement on switchless resellers. We also ask commenters to address whether the subject proposal would create additional competitive benefits or disadvantages for resellers, such as giving them greater parity with facilities-based carriers in the timing of customer access to long distance services, or making it more expensive and time-consuming for them to change underlying carriers.

Fifth, we request additional comment on the specific dimensions of soft slamming and the carrier identification problems involving resellers identified in the *Further Notice*. In particular, we request commenters to address—and to submit empirical data, to the greatest extent possible—concerning the percentage of slamming complaints that involve soft slams and the percentage that involve consumers whose preferred carrier freeze protections have been bypassed.

⁴ Feature Group D is one of several switching or access arrangements available from LECs to interexchange carriers. Feature Group D CICs provide callers with equal access to their carrier of choice through presubscription or the use of a seven-digit carrier access code (CAC) incorporating the carrier's CIC. See *Further Notice*, 14 FCC Rcd at 1596. The need to purchase Feature Group D access to obtain a CIC is one reason that switchless resellers generally share the CICs of their underlying carriers. Switchless resellers do not require the physical or trunk access to the public switched telephone network available through the purchase of Feature Group D access, and are unlikely to bear the expense simply to obtain CICs. Switchless resellers may obtain CICs through the purchase of Feature Group D access in areas where they operate as switch-based resellers. Another obstacle to the use of their own CICs, however, is their inability to activate their own CICs in a given LATA except through the purchase of Feature Group D access. As the Commission stated in the *Further Notice*, “translations access”—the translations software changes necessary to program a LEC switch to recognize a switchless reseller's CIC and use it to route traffic to the reseller via the underlying carrier's facilities—“is currently bundled together with Feature Group D trunk access.” *Id.* at 1598.

Finally, we seek additional comment on whether this proposal would create a significant threat of CIC exhaustion, and whether modifications to existing Commission policy restricting CIC assignments may be necessary to accommodate the assignment of CICs to resellers.

Filing Procedures

This will continue to be a permit-but-disclose proceeding for purposes of the Commission's *ex parte* rules.⁵ Pursuant to sections 1.1200 and 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200, 1.1206, interested parties may file supplemental filings on or before June 6, 2000, and replies to supplemental filings on or before June 13, 2000. Rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b). Such filings may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998).

Filings submitted through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic filings by Internet e-mail. To receive e-mail filing instructions, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties also must send a paper copy of their filings to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, parties filing supplemental filings must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, NW, Washington, DC 20036, telephone 202-857-3800, facsimile 202-857-3805.

For further information, please contact William J. Scher or Dana Walton-Bradford, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400, TTY (202) 418-0484.

⁵ *See Further Notice*, 14 FCC Rcd at 1631.